

Remarks

The Office Action dated March 23, 2009 lists the following new grounds of rejection: claims 1-8 and 12-16 stand rejected under 35 U.S.C. § 103(a) over Greitschus (U.S. Patent No. 5,872,504) in view of Praria (U.S. Patent No. 4,505,032). Applicant traverses all of the rejections and, unless explicitly stated by the Applicant, does not acquiesce to any objection, rejection or averment made in the Office Action.

Applicant respectfully traverses the § 103(a) rejection because the cited combination of references lacks correspondence. For example, neither of the asserted references teaches the claimed invention “as a whole” (§ 103(a)) including, *e.g.*, claimed aspects directed to electrical connections between respective sub-bodies being exclusively via the taps connected to the respective resistor sub-bodies. Because neither reference teaches these aspects, no reasonable combination of these references can provide correspondence. As such, the § 103 rejection fails.

More specifically, the ‘504 reference teaches that shunt arms 3 (*i.e.* the asserted resistor sub-bodies) are electrically connected to each other by primary arm 2. *See, e.g.*, Figure 1 and Col. 2:53-66. As such, the shunt arms 3 are not electrically connected to each other exclusively by taps, as are the resistor sub-bodies of the claimed invention. In addition, metal connection line 8, which is connected to each of the shunt arms 3 in respective contact areas 7, does not correspond to Applicant’s columns of taps.

Moreover, the ‘504 reference teaches away from the proposed combination. Consistent with the recent Supreme Court decision, M.P.E.P. § 2143.01 explains the long-standing principle that a §103 rejection cannot be maintained when the asserted modification undermines either the operation or the purpose of the main (‘504) reference - the rationale being that the prior art teaches away from such a modification. *See KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1742 (2007) (“[W]hen the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be non-obvious.”). In this instance, Applicant submits that the ‘504 reference teaches away from the electrical connections between the shunt arms 3 being exclusively via taps because the ‘504 reference requires that the shunt arms 3 each be directly connected to the primary arm 2 to achieve its stated purpose of eliminating stray contact resistance. *See, e.g.*, Col. 3:28-32. Applicant submits

that further discussion regarding the impropriety of the proposed combination is unnecessary at this time due to the clear lack of correspondence between the proposed combination and the claimed invention as discussed above.

In view of the above, the rejection of claims 1-8 and 12-16 is improper and Applicant requests that it be withdrawn.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063 (or the undersigned).

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